

**MINUTES OF THE CITY COMMISSION MEETING  
APRIL 28, 2003**

The City of Leesburg Commission held a regular meeting Monday, April 28, 2003, in the Commission Chambers at City Hall. Mayor Pro-Tem Knowles called the meeting to order at 5:30 p.m. with the following members present:

Commissioner Bob Lovell  
Commissioner Ben Perry  
Commissioner Lewis Puckett  
Mayor Pro-Tem David Knowles

City Manager Stock stated for the record Mayor Connelly was absent due to illness.

Also present were City Manager (CM) Ron Stock, City Attorney (CA) Fred Morrison, Acting City Clerk (ACC) Betty Richardson, Deputy City Clerk (DCC) Diane Gibson Smith, the news media, and others.

Commissioner Lovell gave the invocation followed by the Pledge of Allegiance to the Flag.

**APPROVED CITY COMMISSION MINUTES OF THE REGULAR MEETING HELD  
MONDAY, APRIL 14, 2003**

Commissioner Puckett moved to approve the City Commission minutes of the regular meeting held Monday, April 14, 2003. Commissioner Lovell seconded the motion and it carried unanimously.

**PRESENTATION BY DEPUTY CITY MANAGER ROBERT JOHNSON ON FLORIDA  
FOREVER GRANT**

Deputy City Manager (DCM) Johnson advised the City is pursuing the Florida Forever Grant program. The City maybe able to obtain reimbursement for property purchased for conservation in the past 2 years such as the Platt property on CR 470. The Platt property could be included if a Conservation buffer was defined and the rails to trails ran through the buffer zone. In addition, property next to the Susan Street complex owned by the Wallings (approximately 9.5 acres) and the Old Train Depot property are also being reviewed.

Deputy City Manager (DCM) Robert Johnson presented information on the Leesburg Trail Program with an update on the CSX property purchase (approximately 6.7 miles of rail bed). Staff will be working with a non-profit land acquisition company to obtain the CSX property on a lease purchase basis. He noted the land can also be used for under-grounding the electric utility.

DCM Johnson reviewed the CSX land purchase. He noted CSX turned down the City's offer of \$1 M. Two appraisals were done on the property and both came in above the \$1 million offered. He and CM Stock have been meeting with Trust for Public Lands to discuss scenarios where the Trust for Public Lands would buy the property and the City would have 3 years to obtain grant money for the remainder of the purchases.

Doug Hadaway, Trust for Public Land, stated his company is a national non-profit land conservation company which has been in business for over 30 years and in Florida since 1976.

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They facilitate land transactions to benefit people. They are currently negotiating with CSX for purchase of the property. The price is expected to be around \$2.2 or \$2.3 million.

Commissioner Perry stated the City has \$1 million to put into this purchase. If the price is somewhat higher what will happen. Mr. Hadaway stated the Trust for Public Land will purchase the property and the \$1 million will be a deposit on the property per a lease purchase agreement. The City will have full use of the property from the beginning under this lease purchase agreement.

Commissioner Perry stated it is the intention of the City to pursue the Florida Forever Grant anyway. The \$1 million would be put on the application as the City portion. DCM Johnson agreed.

Mayor Pro-Tem Knowles complimented DCM Johnson and CM Stock for putting this deal together.

Commissioner Lovell moved to go forward with the grant application as presented. Commissioner Perry seconded the motion and it passed unanimously.

### **PRESENTATION BY CITY MANAGER RON STOCK ON SCHOOL CONSTRUCTION PLANS**

CM Stock presented information on the approved renovations to be completed at the Leesburg High School. The Spanish design will be continued on the six new buildings being added. Two issues will come before the Commission. One is a request to vacate Moss Street between Skeen and the High School. The School District will allow us to keep an easement. The City has been waiting for a legal description from the School District. This vacation is necessary for Skeen Elementary to be utilized by the High School during construction. The other issue is a second access site near Sumter and US Highway 27 to be used as a primary route for buses. The property has been acquired. The School District has requested power delivery at 6 points with an additional transformer and wires. The current ordinance states the property owner will be required to bear the costs of the upgrades behind the meter. This upgrade will cost approximately \$200,000 – with \$70,000 for the transformer. CM Stock stated he expects the School District to come to the Commission to request a waiver of the fee or sharing of costs. An alternative could be an extra facilities charge by adding 1.07 % to the monthly bill.

The School District is also seeking to construct a new elementary school on Oak Park Middle School campus. The City's concern is traffic around this site. The School District is proposing coming in on Lucas Street and over Nealy Street to two parking areas. One traffic light would be added to Lucas Street. Buses would come in from South Street. CM Stock noted it is allowable for the City to compel the School District to make off-site changes. The School District expects to have the school open by August 1, 2004.

Commissioner Perry stated the City needs to meet as soon as possible with the School District so a win-win situation can be worked out without a waste of money.

Commissioner Lovell noted several reasons why the Oak Park Middle School site is not appropriate for an elementary school.

Mayor Pro-Tem Knowles questioned the use of Lone Oak Drive as a way to alleviate some of the traffic problems.

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Commissioner Perry re-iterated the need to set up a meeting as soon as possible to review the plans.

CM Stock noted the School District also plans to renovate Beverly Shores and Fruitland Park Elementary.

Commissioner Lovell noted the School Board should include the City in the planning due to past partnerships, but that does not seem to be the case.

Mayor Pro-Tem Knowles stated, for the record, his wife is teacher at Skeen Elementary School and we need to find a way to do something for them.

### **PROCLAMATIONS:**

- A. The month of May 2003 was proclaimed Civility Month as Mayor Pro-Tem Knowles read the proclamation in its entirety.
- B. May 1, 2003 was proclaimed a Day of Prayer as Mayor Pro-Tem Knowles read the proclamation in its entirety.

### **CONSENT AGENDA:**

Pulled for discussion: B-3 - Purchase property from Alice T. Graves, Trustee  
B-4 - Purchase property from James C. and Reba K. Owenby

Commissioner Perry moved to adopt the consent agenda except items B-3 and B-4. Commissioner Lovell seconded the motion. The roll call was:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Mayor Pro-Tem Knowles	Yea

Four yeas, no nays, the Commission adopted the consent agenda as follows:

### **PURCHASING ITEMS:**

- 1. 03-RFP-001 Provide professional services for development of Land Development Code (\$100,000.00)

### **RESOLUTIONS:**

#### **RESOLUTION 6769**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Glatting Jackson Kercher Anglin Lopez Rinehart, Inc. to provide professional services associated with the development of the Land Development Code, pursuant to Bid #03-RFP-001; and providing an effective date.

#### **RESOLUTION 6770**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a mutual agreement with Purvis Gray and Company for professional services and to provide assistance for the preparation and implementation of the GASB Statement 34; and providing an effective date.

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### **RESOLUTION 6771**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and the Florida Department of Transportation for the purpose of funding operational and maintenance costs to comply with enhanced federal security requirements and to address related economic impacts from the events of September 11, 2001 IAW Chapter 2001-349, laws of Florida, at the Leesburg Regional Airport; and providing an effective date.

### **RESOLUTION 6772**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to approve Change Order #1 to the contract with Paqco, Inc. relating to the Echo Drive realignment project, and providing an effective date.

### **RESOLUTION 6773**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an amendment of agreement for contractor services between the City of Leesburg and Jody Walton dba Jody Walton Property Mowing for the purpose of mowing services at the Leesburg Regional Airport; and providing an effective date.

### **RESOLUTION 6774**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to approve Change Order #2 to the contract with T.D.I. International, Inc. relating to construction of Sleepy Hollow Recreation Complex project, and providing an effective date.

### **RESOLUTION 6775**

A resolution of the City Commission of the City of Leesburg, Florida, repealing Sections 200.2, 203, 209, 210, 211, 212, 213, 223, 508, 802.9 and Chapter 800 of the City of Leesburg Personnel Policy and Procedures Manual and adopting definitions of Employment Status (policy No. 010), Testing (Policy No. 021), Employment of Relatives (Policy No. 024), Employment of Minors (Policy No. 025), Rehires (Policy No. 025), Employee Orientation Period (Policy No. 026), Personnel Records and Privacy (Policy No. 040), Exempt/Non-Exempt Employee Status (Policy No. 110), Military Leave (Policy No. 315) and Employee Separation (Policy No. 810) of the Leesburg Personnel Policy Manual; and providing an effective date.

### **RESOLUTION 6776**

A resolution of the City Commission of the City of Leesburg, Florida, amending the rate schedule for the provision of internet services, and providing an effective date.

### **RESOLUTION 6777**

A resolution of the City Commission of the City of Leesburg, Florida, amending the rate schedule for solid waste collection and related services; and providing an effective date.

### **ADOPTED RESOLUTION 6778 APPROVING THE PURCHASE OF PROPERTY FROM ALICE T. GRAVES, TRUSTEE FOR \$150,000.00**

Commissioner Lovell introduced the resolution to be read, by title only. ACC Richardson read the resolution, as follows:

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to approve the purchase of property from Alice T. Graves, Trustee, for \$150,000.00; and providing an effective date.

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Commissioner Puckett stated the price for this property is very high and he would like an explanation.

CM Stock stated property in this area was identified as property needed to correct a flooding problem near Winn Dixie on Perkins Street. This particular location was selected as no improvements have been made to the property and it is far enough away from the clay area so water can percolate.

Assistant Director of Environmental Services (ADES) Ray Sharp stated the old Graves house is on the property. In the late 1990's this property was identified as part of the plan for the Whispering Pines Basin project. On a long term basis, this property gives the City the opportunity to address some issues of availability of property in the area.

CM Stock stated appraisals were done on both properties last year (the Graves property and the Owenby property), but the City did not receive grants to purchase the properties. Purchase prices were negotiated from last year's appraisal prices. Environmental Services Director (ESD) Susanna Littell does have verbal approval for grant funds this year for as much as ½ of the costs of the properties. Fund balance transfers will be appropriated to purchase the properties.

Citizen John Christian questioned the validity of the appraisals. He stated the property price is extremely high. The City needs to be cautious when buying property that may not be worth the price.

Commissioner Lovell moved to adopt the resolution and Commissioner Puckett seconded the motion. The roll call vote was:

Commissioner Lovell	Yea
Commissioner Perry	No
Commissioner Puckett	Yea
Mayor Pro-Tem Knowles	Yea

Three yeas, one nay, the Commission adopted the resolution.

### **ADOPTED RESOLUTION 6779 APPROVING THE PURCHASE OF PROPERTY FROM JAMES C. AND REBA K. OWENBY FOR \$50,000.00**

Commissioner Perry introduced the resolution to be read, by title only. ACC Richardson read the resolution as follows:

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to approve the purchase of property from James C. and Reba K. Owenby, for \$50,000.00; and providing an effective date.

Commissioner Puckett moved to adopt the resolution and Commissioner Lovell seconded the motion. The roll call vote was:

Commissioner Puckett	Yea
Commissioner Lovell	Yea
Commissioner Perry	No
Mayor Pro-Tem Knowles	Yea

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Three yeas, one nay, the Commission adopted the resolution.

### **PUBLIC HEARINGS:**

#### **ADOPTED ORDINANCE 03-41 CREATING SECTION 25-83 OF CHAPTER 25, ARTICLE V, OF THE CODE OF ORDINANCES PROVIDING STANDARDS OF GOLF COURSE DEVELOPMENT FOR NEW AND EXISTING GOLF COURSES**

ACC Richardson read the ordinance by title only, as follows:

An ordinance creating Section 25-83, of Chapter 25, Article V, of the Code of Ordinances of the City of Leesburg, Florida, to provide standards of golf course development for new and existing golf courses; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

Commissioner Perry moved to adopt the ordinance and Commissioner Puckett seconded the motion. The roll call was:

Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Lovell	Yea
Mayor Pro-Tem Knowles	Yea

Four yeas, no nays, the Commission adopted the ordinance.

#### **ADOPTED ORDINANCE 03-42 AMENDING THE FISCAL YEAR 2002-2003 BUDGET FOR THE GENERAL, CAPITAL PROJECTS, WATER, AND WASTEWATER FUNDS**

ACC Richardson read the ordinance by title only, as follows:

An ordinance of the City Commission of the City of Leesburg, Florida amending the Fiscal Year 2002-03 Budget for the General, Capital Projects, Water and Wastewater Funds, and providing an effective date.

Commissioner Lovell moved to adopt the ordinance and Commissioner Perry seconded the motion. The roll call was:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Mayor Pro-Tem Knowles	Yea

Four yeas, no nays, the Commission adopted the ordinance.

#### **ADOPTED ORDINANCE 03-43 AMENDING THE CITY'S COMPREHENSIVE PLAN; ADDING, OR ADOPTING REVISIONS TO THE CONSERVATION AND AVIATION ELEMENTS**

ACC Richardson read the ordinance by title only, as follows:

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An ordinance of the City of Leesburg, Florida, amending the City's comprehensive plan; adding, or adopting revisions to, the conservation and aviation elements of the comprehensive plan; adopting amendments to those elements of the comprehensive plan arising from the evaluation and appraisal report process; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

Commissioner Perry moved to adopt the ordinance and Commissioner Lovell seconded the motion. The roll call was:

Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Lovell	Yea
Mayor Pro-Tem Knowles	Yea

Four yeas, no nays, the Commission adopted the ordinance.

### **ADOPTED RESOLUTION 6780 AUTHORIZING THE COMMUNITY DEVELOPMENT DEPARTMENT TO TRANSMIT THE RESPONSE TO THE OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS**

Commissioner Perry introduced the resolution to be read, by title only. ACC Richardson read the resolution as follows:

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the transmittal of the response to the objections, recommendations, and comments (ORC) report received from the Florida Department of Community Affairs (DCA) by the City of Leesburg Community Development Department; and providing an effective date.

Commissioner Perry moved to adopt the resolution and Commissioner Lovell seconded the motion. The roll call was:

Commissioner Puckett	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Pro-Tem Knowles	Yea

Four yeas, no nays, the Commission adopted the ordinance.

### **ADOPTED ORDINANCE 03-44 AMENDING THE CITY'S COMPREHENSIVE PLAN; ADDING, OR ADOPTING REVISIONS TO THE AQUIFER RECHARGE, DRAINAGE, INTERGOVERNMENTAL COORDINATION, POTABLE WATER, SANITARY SEWER AND SOLID WASTE ELEMENTS OF THE COMPREHENSIVE PLAN**

ACC Richardson read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida, amending the City's comprehensive plan; adding, or adopting revisions to the aquifer recharge, drainage, intergovernmental coordination, potable water, sanitary sewer, and solid

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waste elements of the comprehensive plan; adopting amendments to those elements of the comprehensive plan arising from the evaluation and appraisal report process; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

Commissioner Lovell moved to adopt the ordinance and Commissioner Perry seconded the motion. The roll call was:

Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Lovell	Yea
Mayor Pro-Tem Knowles	Yea

Four yeas, no nays, the Commission adopted the ordinance.

### **ADOPTED ORDINANCE 03-45 AMENDING THE COMPREHENSIVE PLAN CHANGING THE FUTURE LAND USE MAP OF APPROXIMATELY 49 ACRES NORTH OF LAKE HARRIS, AND SOUTH OF THE S.C.L. RAILROAD, IN SECTION 28-19-25 FROM COUNTY URBAN EXPANSION TO CITY PUBLIC (CITY OF LEESBURG/TERRANOVA)**

ACC Richardson read the ordinance by title only, as follows:

An ordinance amending the comprehensive plan for the City of Leesburg, changing the future land use map designation of certain property containing approximately 49 acres and generally located north of Lake Harris, and south of S.C.L. Railroad, lying in Section 28, Township 19 south, Range 25 east, Lake County, Florida, from County Urban Expansion to City Public; and providing an effective date (City of Leesburg/Terranova).

Commissioner Perry moved to adopt the ordinance and Commissioner Lovell seconded the motion.

CDD McElhanon reported the changes made to this ordinance.

The roll call was:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Mayor Pro-Tem Knowles	Yea

Four yeas, no nays, the Commission adopted the ordinance.

### **ADOPTED ORDINANCE 03-46 AMENDING THE COMPREHENSIVE PLAN CHANGING THE FUTURE LAND USE MAP OF APPROXIMATELY 40 ACRES NORTH OF C.R. 470, SOUTH OF LAKE MARKHAM, AND WEST OF C.R. 33 IN SECTION 1-20-24 FROM COUNTY RURAL TO CITY PUBLIC (CITY OF LEESBURG/PALMER GROVE)**

ACC Richardson read the ordinance by title only, as follows:



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An ordinance amending the comprehensive plan for the City of Leesburg, changing the future land use map designation of certain property containing approximately 40 acres and generally located north of County Road 470, south of Lake Markham, east of Florida Turnpike, and west of County Road 33, lying in Section 16, Township 20 south, Range 24 east, Lake County, Florida, from County Rural to City Public; and providing an effective date (City of Leesburg/Palmer Grove property).

Commissioner Lovell moved to adopt the ordinance and Commissioner Perry seconded the motion. The roll call was:

Commissioner Puckett	Yea
Commissioner Perry	Yea
Commissioner Lovell	Yea
Mayor Pro-Tem Knowles	Yea

Four yeas, no nays, the Commission adopted the ordinance.

### **ADOPTED ORDINANCE 03-47 AMENDING THE COMPREHENSIVE PLAN CHANGING THE FUTURE LAND USE MAP OF APPROXIMATELY 16 ACRES NORTH OF HELENA RUN, SOUTH OF MAGNOLIA AVENUE AND EAST OF U.S. HWY 27 IN SECTIONS 2 & 11-20-24 FROM COUNTY URBAN EXPANSION TO CITY RH AND CITY CO (JOHN O'KELLEY)**

ACC Richardson read the ordinance by title only, as follows:

An ordinance amending the comprehensive plan for the City of Leesburg, changing the future land use map designation of certain property containing approximately 16 acres and generally located north of Helena Run, south of Magnolia Avenue, east of U.S. Highway 27. and west of Lake Harris, lying in Sections 2 and 11, Township 20 south, Range 24 east, Lake County, Florida, from County Urban Expansion to City RH (Residential High Density) and City CO (Conservation); and providing an effective date (John O'Kelley).

Commissioner Perry moved to adopt the ordinance and Commissioner Lovell seconded the motion.

CDD McElhanon stated the DCA had two issues with this comprehensive plan change – potable water and transportation. Mr. O'Kelley hired a consultant who did a traffic study which showed only 67 extra trips.

The roll call was:

Commissioner Lovell	Yea
Commissioner Puckett	Yea
Commissioner Perry	Yea
Mayor Pro-Tem Knowles	Yea

Four yeas, no nays, the Commission adopted the ordinance.

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### **INTRODUCED AN ORDINANCE AMENDING CHAPTER 25-75 OF THE CODE OF ORDINANCES PERTAINING TO MULTI-FAMILY, HOTEL, AND MOTEL STRUCTURES MAXIMUM LENGTH**

Commissioner Puckett introduced the ordinance to be read, by title only. ACC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida amending Chapter 25 zoning of the Code of Ordinances, by changing Section 25-75, multi-family, hotel and motel structures Subsection (6) a. maximum length; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

### **INTRODUCED AN ORDINANCE AMENDING CHAPTER 25-73 OF THE CODE OF ORDINANCES PERTAINING TO ON-SITE TRAFFIC FLOW AND PARKING**

Commissioner Lovell introduced the ordinance to be read, by title only. ACC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, amending Chapter 25-73 of the Code of Ordinances, pertaining to on site traffic flow and parking; by changing schedule of parking space requirements; repealing conflicting ordinances, providing a savings clause; and providing an effective date.

### **CITY ATTORNEY ITEMS: - NONE**

### **CITY MANAGER ITEMS:**

- A. CM Stock stated the monthly financial report for March 2003 was in the agenda packets. He asked if there were any questions.

Commissioner Perry stated sheet 2 of 6 had a number of negative figures and he would like an explanation. Deputy Finance Director (DFD) Diane Reichard stated Capital Projects are running negative as the sale of Babe Ruth property was completed last year, but the money is being spent now. The same is true with the sales tax revenue and the bonds for construction of the Police Station. In addition, not all of the federal grant funds have been received yet.

- B. CM Stock stated the clean-up of the northwest quadrant was successful with nearly 100 volunteers who collected approximately 120 tires, 120 cubic yards of bulk, 60 cubic yards of metal, 7 ½ tons of solid waste, and 1 ½ tons of hazardous waste. The next cleanup is in the southeast quadrant May 10, 2003.

### **ROLL CALL:**

Commissioner Lovell – Commented he would like to see a real effort to honor troops when they come home. CM Stock stated things are being planned including handing out small hand flags. Director of Electric and Gas Lloyd Shank added banner poles for either end of Main Street and banners for the poles have been ordered.

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Commissioner Perry – none

Commissioner Puckett – Cafeteria at the mall has closed. Bike week was great success. Police Chief Idell stated there were very few incidents.

Mayor Pro-Tem Knowles – Thanked Mayor Connelly for not attending and giving him the chance to fill in as Mayor. Friday night, the bike riders stayed at home due to the rain.

Commissioner Perry moved to adjourn. Commissioner Lovell seconded the motion and it carried unanimously. The meeting adjourned at 6:58 p.m.

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Mayor

ATTEST:

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Acting City Clerk

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*Diane L. Gibson Smith*

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